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10/645,609

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EXAMINER

KHATTAR, RAJESH

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/645,609	Applicant(s) LEE ET AL.	
	Examiner RAJESH KHATTAR	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8-17 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 12,20-21,23-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

This office action is in response to Applicant's communication filed on 3/10/2009. The examiner for this application has changed. Please indicate Examiner Rajesh Khattar as the examiner of record in all future correspondence.

Claim 17 has been amended. Claims 4, 7 and 18 have been cancelled. As such, claims 1-3, 5-6, 8-17 and 19-24 are pending in the application.

Claim Objections

Claim 12 is objected to because of the following informalities: In claim 12, Examiner recommends changing the term "a bid detail Window" to "a bid detail window" for consistency.

Claims 23-24 are objected to because of the following informalities: Claims 23-24 are directed to perform a method of evaluating bids in a combinatorial auction according to claim 17. This renders the claims 23-24 to be duplication of claims 20-21. Applicant may have intended to state claims 23-24 to depend from claim 22 and not claim 17. Appropriate correction is required.

Claims 20-21 and 23-24 are objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. The dependent claims 20 and 23 are directed towards a signal-bearing medium tangibly embodying a program of machine-readable instructions executed by a digital processing apparatus to perform a method according to claim 17. Claims 21 and 24 are substantially similar in scope to claims 20 and 23. As per the Infringement Test (see

Art Unit: 3693

MPEP § 608.01(n), "Infringement Test" for dependent claims), a proper dependent claim shall include every limitation of the claim from which it depends or in other words that it shall not conceivably be infringed by anything which would not also infringe the basic claim. Applicant is required to cancel the claims(s), or amend the claims(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17 and 19-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Examiner asserts that the active steps of claims 17 and 22 fail to specifically include an apparatus to carry out the process steps. Examiner notes the use of the term display window and displaying supporting information in claim 17 and visual interface in claim 22, however, Examiner asserts that the use of these terms is not sufficient to meet the 35 U.S.C. 101 guidelines. Applicant is, thus, required to positively include a non-nominal, computer-implemented step in the body of the claim in order to comply with 35 U.S.C. 101. Appropriate correction is requested.

Claims 20 and 23 are directed towards a signal-bearing medium which is a non-statutory subject matter. As per MPEP § 2106.02, If the "acts" of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. *Gottschalk v. Benson*, 409 U.S. 63, 71-72, 175 USPQ 673, 676 (1972).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel et al., US Patent Application No. 2004/0054551. Ausubel discloses an interactive bid evaluation system for a combinatorial auction, comprising:

a display for scaling a plurality of bids and items, on a display window (Fig. 2-3, 5a, [0128], auction servers are initialized with information such as items in the auction, minimum opening bids etc.);

a processor coupled to said display (Abstract, Fig. 2-3);

a mechanism for enabling a user to interactively generate an ad hoc solution by using visual operations, and for comparing the ad hoc solution with an optimal solution generated by said processor ([0129]-[0131], computer calculates the provisionally-winning bids and provisional revenue represents an ad hoc solution; compare the current provisional revenues with a function of the provisional revenue obtained in previous iteration(s); provisional revenue obtained in previous iterations represents optimal solution); and

a real-time recommendation window for providing at least one recommendation on what action to take next in generating the ad hoc solution ([0013], feedback in real time; [0129]-[0133], computer determines whether the auction should continue).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to combine different embodiments of Ausubel. The motivation for combining these references would have been to receive feedback in real time about their opponents' bids as illustrated by Ausubel ([0013]).

Regarding claim 6, Ausubel discloses wherein said display comprises a user interface for presenting solutions and supporting information in an intuitively understandable visual representation, and for providing visual operations on graphical entities of the visual representation ([0128]-[0133]).

Claims 22-24 are substantially similar to claim 1 and hence rejected on similar grounds.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of Morrison, US Patent Application No. 2002/0075285. Ausubel discloses the invention as described above.

Regarding claim 2, Ausubel fails to specifically disclose wherein said display scales viewable objects representing said bids and items, such that as a number of bids and items increases, a size of said viewable objects representing said bids and objects decreases. However, Morrison discloses this feature ([0006], enables the user to enlarge and/or reduce a desired region of an image on a display screen).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Ausubel to include the disclosure of Morrison. The motivation for combining these references would have

been to enable the user to enlarge and/or reduce a desired region of an image on a display screen as illustrated by Morrison.

Regarding claim 3, Morrison discloses wherein each of said bids and items is displayed, regardless of a number of said bids and items ([0006]).

Claims 5 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of Smith et al. US Pat. App. No. 2002/0032621.

Regarding claim 5, Ausubel discloses wherein said display displays supporting information including any of items, bids, constraints, analysis and results, and candidate optimal solutions on said display, to allow interactive selection of an optimal solution from the bid evaluation system ([0128]-[0133]),

Ausubel fails to specifically disclose supporting information providing a visualization of how the optimal solution satisfies a demand for each item and each constraint thereon. However, Smith discloses this feature (Abstract, [0018]).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Ausubel to include the disclosure of Smith. The motivation for combining these references would have been to determine if the buyer can attract a lower price offering from bidders by selecting to award the total volume of all of the individual lots to one bidder as illustrated by Smith (Abstract).

Regarding claim 9, Smith discloses wherein said display includes a mechanism for enabling a user to generate interactively an optimal solution for an auction after pre-assigning at least one bundle bid to a winning bid pool ([0046]-[0050]).

Regarding claim 10, Smith discloses a user input device coupled to said display, wherein said display includes a mechanism for enabling a user to enforce said at least one recommendation by using said user input device ([0046]-[0050]).

Regarding claim 11, Smith discloses an iconic user interface including an analysis window which allows said scaling ([0049]-[0050]).

Regarding claim 12, Smith discloses wherein said iconic user interface further comprises an of an time list window, a bid list window, a constraint window, a result window, a result detail window, a recommendation window, an item detail window, and a bid detail window interactively coupled to said analysis window ([0045]-[0050]).

Regarding claim 13, Smith discloses wherein said analysis window displays a bundle demand and a set of submitted bundle bids,

wherein said item list window displays a list of all items the user desires to procure and a demanded amount for each item,

said item list window allowing the user to any of select and de-select at least one item that the user desires to any of include and exclude, respectively, in the analysis window, and

wherein, as the bundle demand in the analysis window is updated by the user's item selection operation in the item list window, the set of bundle bids displayed in the analysis window is updated ([0063]-[0072]).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of Hambrecht, US Patent No. 6,629,082.

Regarding claim 8, Ausubel discloses wherein the dynamic mechanism generated the ad hoc solution and optimal solution iteratively for exploratory analysis ([0128]-[0133]).

Ausubel does not specifically disclose a dynamic mechanism for enabling a user to dynamically update auction parameters including any of items in the auction, bundle bids under consideration, and changing constraints and a reserve price. However, Hambrecht discloses this feature (col. 30, lines 53-64).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Ausubel to include the disclosure of Hambrecht. The motivation for combining these references would have been to modify auction as illustrated by Hambrecht.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of Smith and further in view of Official Notice. Ausubel and Smith describe the invention as disclosed above.

Regarding claims 14-15, both fail to specifically disclose a pointing device, wherein said item detail window is openable from the item list window by using an operation of said pointing device, said item detail window for displaying information about a particular item, wherein said bid list window displays a list of all the submitted bundle bids and allows the user to any of select and de-select at least one bid that the user wants to any of include and exclude, respectively, in the analysis window, and wherein said bit detail window is operable from the bid list window by using an operation of said pointing device, and displays various information about a particular bid, including

Art Unit: 3693

a bid thumbnail image, a supplier information, and a product information bundles in a bid and wherein the constraint window displays a list of constraints applicable to the current auction setting presented in the analysis window, and enables the user to dynamically update values of constraints and apply the values to the bid evaluation in the analysis window, wherein the result window groups and displays, in a hierarchical tree structure, solutions for various combinatorial auction bid evaluation problems set up in the analysis window, so as to classify different solutions hierarchically in the result window, wherein a new bid evaluation problem is created by changing the values in the item list window, the bid list window, and the constraint window, and wherein when a bid evaluation problem is determined in the analysis window, said bid evaluation problem is selectively added to the result window. Examiner recognizes these limitations to be old and well known. Examiner, therefore, takes Official Notice in this regard.

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Ausubel and Smith to include the disclosure of Official Notice. The motivation for combining these references would have been within the knowledge of a person having ordinary skills in the art.

Regarding claim 16, Smith discloses wherein the result detail window is operable from the result window by using said pointing device to present detailed information on a particular solution, wherein the recommendation window provides at least one recommendation for each iteration in generating an ad hoc solution for a combinatorial auction bid evaluation problem, to allow said user to directly enforce the recommendation in the recommendation window, and wherein if a predetermined

Art Unit: 3693

supplier makes a bid, then said bid by said predetermined supplier is automatically selected ([0065]).

Claims 17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of Morrison in view of Smith in view of Hambrecht.

Regarding claim 17, Ausubel discloses a method of interactive bid evaluation for a combinatorial auction on a display apparatus controlled by a processor, comprising:

scaling a plurality of bids and items displayed on a display window (Fig. 2-3, 5a, [0128]); and

providing a real-time recommendation window for providing at least one recommendation on what action to take next in generating an ad hoc solution ([0013], [0129]-[0133]);

displaying supporting information including any of items, bids, constraints, analysis, results, and optimal solutions on said displays, to allow interactive selection of an optimal solution from the bid evaluation system ([0128]-[0133]),

generating the ad hoc and optimal solutions iteratively for exploratory analysis ([0128]-[0133]).

Ausubel does not specifically disclose

scaling viewable objects representing said bids and items such that as a number of said bids and items increases, a size of said viewable objects representing said bids and items decreases.

However, Morrison discloses this feature ([0006]).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Ausubel to include the disclosure of Morrison. The motivation for combining these references would have been to enable the user to enlarge and/or reduce a desired region of an image on a display screen as illustrated by Morrison.

Ausubel and Morrison do not specifically disclose
said supporting information providing a visualization of how the optimal solution satisfies a demand for each item and each constraint thereon.

However, Smith discloses this feature (Abstract, [0018]).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Ausubel and Morrison to include the disclosure of Smith. The motivation for combining these references would have been to determine if the buyer can attract a lower price offering from bidders by selecting to award the total volume of all of the individual lots to one bidder as illustrated by Smith (Abstract).

Ausubel, Morrison and Smith do not specifically disclose
enabling a user to dynamically update auction parameters including any of items in the auction, bundle bids under consideration, changing constraints, and a reserve price.

However, Hambrecht discloses this feature (col. 30, lines 53-64).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Ausubel, Morrison and

Art Unit: 3693

Smith to include the disclosure of Hambrecht. The motivation for combining these references would have been to modify auction as illustrated by Hambrecht.

Regarding claim 19, Ausubel discloses wherein each of said bids and items is displayed regardless of a number of said bids and items, said method further comprising: presenting solutions and supporting information in an intuitively understandable visual representation, and providing visual operations on graphical entities of the visual representation; interactively generating, by a user, an ad hoc solution by using visual operations, and comparing the solutions with a computer-generated optimal solution; and enforcing at least one recommendation by using said user input device ([0128]-[0133]).

Claims 20-21 are substantially similar to claim 17 and hence rejected on similar grounds.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJESH KHATTAR whose telephone number is (571)272-7981. The examiner can normally be reached on Flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rajesh Khattar/
Examiner, Art Unit 3693